IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.4492 OF 2005

Narendra Singh Tura)..Petitioner

Versus

Neena Nareshkumar Khatri and others)..Respondents

Mr.M.P.Vashi i/b.M/s.M.P.Vashi & Associates for the Petitioner.

Mr.D.B.Sawant for Respondent Nos.1, 2 and 4 to 6.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 17TH AUGUST 2005

P.C.:

. This Petition challenges the concurrent findings of fact of the Courts below. The trial Court and the appellate Court have found that the suit premises are required bona fide by the Plaintiffs. The Plaintiffs are the daughters and daughters-in-law of the original landlady. A contention is raised that the married daughters and daughters-in-law would have no claim over the suit premises. In my view, this submission cannot be entertained since the provisions of Section 13(1)(g) of the Bombay Rents, Hotel and Lodging House Rates (Control) Act, 1947 are very clear and suit can be decreed if the premises are reasonably and bona fide required by the landlady for occupation for herself or by any person for

whose benefit the premises are held. In the present case, the Courts below have found that some of the Plaintiffs stay in rented accommodation in a refugee camp and the others are staying in premises which are rented. In my view, there is no reason to interfere with the concurrent findings of fact. Hence, rejected.

2. On the application of the learned Advocate for the Petitioner, time to vacate the suit premises is granted upto 31st March 2006 on filing the usual undertaking. Undertaking to be filed within two weeks from today.